

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

YVONNE JAKUBOWSKI
Plaintiff,

HON. ROBERT HOLMES BELL
Case No. 1:11-cv-00597-RHB

v.

MOSAIC MERCANTILE, INC.,
a Montana corporation, and
HOBBY LOBBY STORES, INC.,
an Oklahoma corporation,
TRIANGLE COATINGS, INC., a
California corporation, and
MICHAEL YABLON, individually,
Defendants.

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PLAINTIFF'S PETITION TO ENTER DEFAULT JUDGMENT PURSUANT TO RULE 55(b)(2)
AGAINST DEFENDANT TRIANGULAR COATINGS INC.

NOW COMES Plaintiff, Yvonne Jakubowski, by and through her attorneys, Bolhouse, Baar, & Lefere PC, and does hereby petition this Honorable Court to enter a Default Judgment against Defendant Triangle Coatings Inc. Plaintiff seeks a judgment in the amount of \$122,266.40 based on the following claims:

Medical costs and expenses	(2008-2010)	\$1,799.25
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Future medical costs and expenses (\$600/year x 16 years ¹)	\$9,600.00
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Costs and reasonable attorney fees (MCL 445.911 and 15 U.S.C. § 2072)

Expert Fee (Lab)	\$150.00
Expert Fee (Medical Doctor)	\$300.00
Other Costs (See attached)	\$1,452.66
Attorney Fees (78.8 hours)	\$15,760.00

Blue Care Network Insurance Claim	\$704.49
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Pain and suffering	\$60,000.00
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Punitive Damages	\$40,000.00
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GROSS TOTAL	\$129,823.93
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Less Settlement from third parties	<u>-\$7,500.00</u>
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NET DAMAGES	<u>\$122,266.40</u>
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In support of Plaintiff's damages, jury verdicts have been researched and are attached as **Exhibit A, B, and C**. Although there were no cases directly on point, the cases relied upon portray jury verdicts for injuries caused by improper labeling of a consumer product.

In support of this Motion, Plaintiff's affidavit is attached as **Exhibit D** to verify the amount of damages, both economic and noneconomic, that she claims entitled to receive. Her physician's letter to show that she has experienced a higher rate of illness and that she continues to suffer from the exposure is attached as **Exhibit E**. A proposed Judgment for \$122,266.40 is attached as **Exhibit F**.

¹ The extra medical expense that Plaintiff has incurred as a result of the exposure has averaged \$600 per year. She has a life expectancy of 16 years based on the National Vital Statistics Reports, Volume 59, No. 09. (2009).

Dated: May 5, 2012

Respectfully submitted,
Bolhouse, Baar & Lefere, P.C.

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